



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology A.O. #05-13

☒ Preproposal Statement of Inquiry was filed as WSR 05-22-120 ; or☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or☐ Proposal is exempt under RCW 34.05.310(4).☒ Original Notice☐ Supplemental Notice to WSR _____☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Chapter 173-300 WAC, Certification of Operators of Solid Waste Incinerator and Landfill Facilities

This chapter establishes requirements for certifying solid waste landfill and solid waste incinerator operators. The requirements include inspectors of these facilities for regulatory compliance.

Hearing location(s):

Ecology Headquarters Building
300 Desmond Drive SE
Lacey, WA 98503

Date: April 4, 2006 Time: 2:00PM

Submit written comments to:

Name: Randy Martin

Address: PO Box 47600

Olympia, WA 98504-7600

e-mail rama461@ecy.wa.gov

fax (360) 407-7157 by (date) April 11, 2006

Assistance for persons with disabilities: Contact

Solid Waste & Financial Assistance Program by March 20, 2006

TTY (800) 833-6388 or (360) 407-6900

Date of intended adoption: May 1, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The chapter provides a process and criteria for certifying solid waste landfill and incinerator operators. Inspectors who inspect these facilities for regulatory compliance must also be certified in a like manner. This amendment clarifies existing language, specifically stating that Ecology may enter into agreements for those certifications to be carried out by other governmental or nongovernmental organizations under agreements or contracts with Ecology.

Reasons supporting proposal: Existing rule language is not clear that Ecology could enter into agreements with other governmental or nongovernmental entities. This amendment clarifies that Ecology does have the authority to enter into agreements. This change would avoid potential confusion.

Statutory authority for adoption: Chapter 70.95D RCW, Solid Waste Incinerator & Landfill Operators authorizes Ecology to adopt rules to implement a certification program

Statute being implemented: Chapter 70.95D RCW**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

CODE REVISER USE ONLY

DATE

2/22/06

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Department of Ecology

REGISTRAR'S OFFICE
STATE OF WASHINGTON
FILED

FEB 28 2006

1:54

06-06-068

AM
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)
Washington Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Randy Martin	HQ-Olympia	(360) 407-6136
Implementation.....	Randy Martin	HQ-Olympia	(360) 407-6136
Enforcement.....	Randy Martin	HQ-Olympia	(360) 407-6136

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The department has determined that the proposed rule has de minimus effect on business. The certification requirements do not change. The amendment clarifies Ecology's authority to contract out services, if or when Ecology determines it would be appropriate.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The department has determined this is a interpretative rule, not requiring a cost-benefit analysis.

Small Business Economic Impact Statement

The proposed changes to the existing rule (Chapter 173-300 WAC) will include a provision that allows Ecology to enter into agreements with outside organizations or parties for the testing and certification of landfill and incinerator operators and inspectors in Washington. The cost of the proposed amendment has a minor and negligible impact on those affected. Cost changes of the rule are estimated at \$50 for the minor increase in certification fees for inspectors/operators. Disproportionalities between the largest businesses and smallest businesses will exist if any costs exist. Because the costs are below the minor impact threshold for SIC code 4953 "Refuse Systems" no disproportionalities will be calculated.

Any organization providing these services would still be required to meet the standards of state law. This flexibility is expected to increase the access to meaningful training and testing in Washington.

Mitigation of costs was not necessary for this rule amendment as it has a minor and negligible impact on those affected.

Those that are affected were involved in the rule making process. A subcommittee of the State Solid Waste Advisory Committee (SWAC) assisted Ecology in the development of the rule amendment. The Solid Waste Advisory Committee is a statutorily created committee to advise Ecology on solid waste issues. The committee is made up of local government, solid waste industry representatives, representatives from the recycling industry, and citizens. The subcommittee was made up of SWAC committee members and Ecology rule development staff. All subcommittee members represented groups (landfill operators or inspectors) that could be impacted by any rule changes. The subcommittee concurred with the proposed rule changes. The SWAC concurred with the proposed rule amendment and recommended to Ecology that it proceed with the rule amendment process.